



CLAREMONT

PLANNING CONSULTANCY

Insp R Bust & N Palmer
C/O Programme Officer - Stephanie Street
The Central & Eastern Berkshire Joint Minerals & Waste Plan
Elizabeth II Court
Winchester
SO23 8UD

21 September 2021

Dear Inspectors,

RESPONSE TO HEARING DOCUMENT EX09 – LAND AT RIDING COURT ROAD (NEW SITE FOR ALLOCATION)

Claremont Planning Consultancy has been instructed by European Property Ventures (EPV), the owners of the site, to provide planning advice in respect of the site at Riding Court Road, Datchet. The site is located close to the existing Datchet Quarry, separated by the M4 Motorway, although Riding Court Road provides direct access from the south of the site to the existing Quarry over the motorway. Cemex operate the existing quarry at Datchet, and has confirmed in previous correspondence that it would be willing to undertake extraction on EPV's site and would utilise existing infrastructure to the north of the M4 motorway for the processing of materials.

The site was promoted for development through the emerging Royal Borough of Windsor & Maidenhead Local Plan, however was removed as a mixed use allocation through the examination process. The site is located within a safeguarding area for sand and gravel, therefore it was anticipated that due to the requirements of existing and emerging policy and development would involve the prior extraction of sand and gravel to ensure that the mineral resources would not be sterilised. As the site is no longer being progressed as an allocation through the emerging RBWM Local Plan, it will no longer be the case that extraction of minerals can be realised through development. On this basis, EPV now wishes to ensure that the site is considered positively and is allocated by the emerging Joint Minerals & Waste Plan (JMWP) as an opportunity to secure an additional site for extraction to assist in meeting the shortfall identified for sand and gravel in the emerging JMWP. Such an allocation will facilitate the intended mineral extraction from the site and contribute toward the Plan's Sand and Gravel supply.

EPV welcomes the favourable assessments made in EX09 and the recognition that the site could contribute towards the emerging Minerals & Waste Plan as an additional source of sand and gravel. However, it is noted that within the assessment provided in EX09 that there are a number of inconsistencies or inaccuracies that EPV would like to be acknowledged and corrected within the course of this examination.

Agricultural Land Quality

EX09 identifies that the site is currently in use as agricultural land. Reference is made to an agricultural land quality report that was carried out in 2014 by Berrys, which provided a detailed assessment of the agricultural land quality of the site. The report concluded that the site comprises a mix of Grade 2 and 3a Agricultural Land, with this conclusion reached due to the

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draughtiness of the soils. This report was also submitted to the RBWM Examination and not disputed by the Planning Authority.

Despite this detailed evidence being made available, the assessment provided in Table 3.7 of Appendix C of EX09, the Sustainability Appraisal Extract that asserts that one of the constraints is 'Grade 1 and 2 Agricultural land'. This is reiterated in the text at Paragraph 1.3 of Appendix C. This information has been obtained by the Natural England data set for Agricultural Land Classification pre 1988 that is not the most recent survey information of the site and is identified through Magic Map as being a high level assessment of agricultural land value based upon geology. It is requested that the assessment takes into account the site specific survey information that has been provided.

Although the discrepancy is seemingly minor, and in any event would still be classified as best and most versatile agricultural land according to the definition in the NPPF, the surveyed quality of soils on the site are poorer than those stated in EX09 and it is considered that the assessment of the site should reflect the most up to date and robust evidence. As a result, it is considered that the assessment of the site should be updated on this basis.

This should also be taken into consideration when identifying the requirements for restoration of the site, including on page 5 of EX09 which states that the site should be restored to existing ground levels and returned to agriculture. As the site does not comprise land of the highest quality, and extraction will significantly impact on the site, it is considered that the potential for non-agricultural uses to take place on the site following extraction should be acknowledged. As such, the assessment provided in EX09 should require the site to be restored, but recognise that this could be for a range of purposes subject to securing appropriate planning permission and addressing the restriction posed by the Green Belt and the need to respect local and national policy in this regard.

Flood Risk

The site assessment includes a number of references to the flood risk classification of the site, including the recent technical assessment undertaken by WSP on behalf of EPV in November 2020. The WSP assessment robustly demonstrates that when flood defences are taken into consideration, the south-eastern part of the site can be classified as Flood Zone 1, the north-western half of the site is Flood Zone 2, and only a small area of Flood Zone 3 is present along the north-western boundary. This assessment was based on the updated Thames Flood Modelling, published in October 2020 and provides a more accurate and representative of flood risk for the site and wider area.

This assessment is markedly different from the Flood Map for Planning referred to in the Plan's evidence base and EX09, which identifies the site as mostly falling within Flood Zone 2, save for a small portion of the site which lies within Flood Zone 3. This is the information which the updated Strategic Flood Risk Assessment (September 2021) (document reference HS69a) was based on, which assessed the majority of the site as falling within Flood Zone 2. As the proposals are for mineral extraction, which is water compatible development, the SFRA identifies that the site is considered to be acceptable and has therefore passed the sequential test.

The assessment provided within EX09 is therefore considered to provide a conflicting assessment of flood risk, including in Appendix C – Sustainability Appraisal Extract whereby the assessment fails to acknowledge that part of the site is within Flood Zone 1 based on the latest flood modelling information as provided by WSP.

Planning policy establishes that sand and gravel working is 'water-compatible development', as set out in Annex 3 of the 2021 version of the NPPF. Furthermore, the Planning Practice Guidance asserts that as mineral deposits have to be worked where they are, and deposits are often found in flood risk areas. The guidance is caveated however with the requirement that mineral working should not increase flood risk elsewhere, and needs to be designed, worked and restored accordingly. Whilst overall the conflicting assessment does not affect the

suitability of the site for mineral extraction, as confirmed in the SFRA, it is considered that the assessment of the site should reflect the most up to date and technically correct information.

Notwithstanding the above, it is considered that as part of the restoration of the site that will be secured through the permission for extraction, improvements could be made to the site that would reduce the risk of flooding on the site as well as provide for flood compensation to be provided on the site. As such, it would be ensured that no increase to flood risk would arise on the site or elsewhere through the extraction of the site, whilst the subsequent reinstatement of the site would result in betterment to flood risk overall.

Suitability of the Site

In respect of other matters, the assessment provided in EX09 overall confirms that the site is considered suitable to accommodate sand and gravel extraction. This includes consideration of the proximity of the site to existing residential properties and Churchmead School, which are located to the south and west of the site respectively. Concerns relating to this are also identified in the Central & Eastern Berkshire Authorities Hearing Statement for Matter 3.

It is considered that potential effects on amenity, including in relation to noise, dust and air quality would be comprehensively assessed as part of the planning application process required ahead of any extraction taking place on the site. This is necessary to accord with proposed policies in the JMWP, including Policy DM9 which provides that permission will only be granted where it can be demonstrated that it will not generate unacceptable adverse impacts on health, safety and amenity of local communities and the environment. Appropriate mitigation will be secured through the planning process that is likely to include restrictions to working hours and practices as a minimum, as well as providing any other requirements such as potential safeguarding buffer areas that are identified through the planning application process. Minerals have to be worked where they are located, meaning that it is common that mineral extraction takes place close to existing development and infrastructure, such as the existing Datchet Quarry that is immediately adjacent to the M4 Motorway. The potential to extract the minerals alongside the site's previous allocation for development was previously deemed to be acceptable by RBWM subject to appropriate mitigation and safeguarding measures.

Correspondence from Cemex previously supplied to this examination (letter dated 9 October 2020) confirmed that extraction of the site would take around 18 months at most with subsequent reinstatement also forecast to take around 18 months. Overall, extraction would be undertaken within a maximum 3 year period thereby ensuring that in the unlikely event that any adverse effects cannot be fully mitigated, these will be temporary and time-limited.

It is therefore considered that there are no overriding constraints that would preclude the site being taken forward and allocated through the Main Modifications to the Joint Minerals & Waste Plan. Land at Riding Court Road presents an opportunity to identify an additional source of sand and gravel to support the emerging Plan, and address at least partially the shortfall in sites identified. Failing to allocate the site could result in taking forward a Plan that does not accord with the Framework's tests of soundness, by not appropriately considering all alternatives and seeking to take forward a Plan that is not positively prepared.

Yours sincerely,



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